

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  

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**for October 11, 2006 PLANNING COMMISSION MEETING**

**PROJECT #:** Change of Zone #06063 - North Forty Plaza

**PROPOSAL:** A change of zone from AG to R-3 and B-2 PUD

**LOCATION:** Southwest of the intersection North 84<sup>th</sup> and Adams Streets

**LAND AREA:** Approximately 46.58 acres.

**EXISTING ZONING:** AG Agriculture

**MODIFICATION REQUESTS:** 1. Adjust the rear yard setback to 15' for Lots 14-19, Block 1, and Lots 1-7, Block 2.

**CONCLUSION:** There are over 2.2 million square feet of commercial floor area approved along the North 84<sup>th</sup> Street corridor between O and Adams Streets, with the majority of it unbuilt. Northwest of 84<sup>th</sup> and Holdrege Streets, the recently announced site of a new Hy-Vee grocery store, has more than 320,000 square feet of approved floor area alone. This request is difficult to support considering the amount of approved and unbuilt floor area, the Comprehensive Plan does not designate commercial land uses for this site and the policies in the Plan do not support a neighborhood-sized center at this location. Commercial floor area at this location places additional burden upon the transportation network, and creates excess commercially-zoned land beyond what the Comprehensive Plan concludes is necessary. Staff recommends denial of this change of zone, however recommended conditions of approval are included should the City Council vote to approve it.

**RECOMMENDATION:**

Change of Zone #06063	Denial
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Waivers/Adjustments:

Adjustment to rear yard setback	Denial
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**EXISTING LAND USE:** Recreation facility (North Forty Golf Course).

**SURROUNDING LAND USE AND ZONING:**

North:	Cemetery, Recreation Facility (Mahoney Golf Course)	P	
South:	Residential		R-3
East:	Vacant (approved for Prairie Village Commercial Center)		B-2
West:	Residential		R-2

**HISTORY: January 28, 1998** - The Planning Commission voted 7-0 to deny Comprehensive Plan Amendment #9423-18 to designate 15 acres of commercial land uses on this site. The application was withdrawn prior to consideration by the City Council or Board of County Commissioners.

**January 29, 1997** - Special Permit #1672 was approved to allow a 62' tall wireless facility on this site.

**January 15, 1997** - Special Permit #1306C was approved to allow a ground sign in the front yard setback.

**March 24, 1995** - Special Permit #1306B was approved to allow an indoor driving range.

**February 18, 1994** - Special Permit 1306A was approved allowing golf greens, walkways, and play equipment in the front yard setback.

**October 31, 1988** - Special Permit #1306 was approved allowing a 9-hole golf course and an 18-hole miniature golf course.

**May 8, 1979** - The zoning was changed from AA Rural to AG Agriculture with the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Page F23 - The Land Use Map designates urban residential land uses for this site.

Page F31 - This site is within the Lincoln Future Service Limit.

Page F47 - Neighborhood Centers -

**CENTER SIZE** - Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space. Existing centers may vary in size from 50,000 to 300,000 square feet.

**DESCRIPTION** - Neighborhood centers provide services and retail goods oriented to the neighborhood level, such as Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington. These smaller centers will not include manufacturing uses.

**MARKET AREA** - These centers typically serve the neighborhood level. It is anticipated that there will be one neighborhood center per one square mile of urban use. For areas of less than one square mile, the maximum size of the center will be reduced proportionally.

**CENTER SPACING** - Neighborhood Centers should be located approximately 3/4 to one mile apart, depending upon their size, scale, function and the population of the surrounding area.

**CRITERIA** - Neighborhood Centers are not sited in advance on the land use plan. However, in neighborhoods oriented to greater pedestrian activity and residential density, two neighborhood centers may be located within a square mile of urban residential use. Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection – locations 1/4 to 1/2 mile from major intersections are encouraged, particularly if there is to be more than one commercial center within a square mile of urban residential use. There may be circumstances due to topography or other factors where centers at the intersection may be the only alternative. When a square mile of urban use contains a Community or Regional Center, and that center includes many of the uses found in a neighborhood center, then a neighborhood center would not be approved within that square mile. This provision would not apply if the incentives listed below, including greater residential population, have been met.

**PROPOSED LOCATIONS** - During the planning period many additional neighborhood centers will be needed. These centers are not identified on the land use plan and will instead be located as part of plans for future neighborhoods based on the commercial guidelines.

**SITING PROCESS** - As part of development proposals that include a proposed Neighborhood Center, the exact location and land use composition of the Center should be determined. If the neighborhood center is in conformance with the Comprehensive Plan and is approved, the Planning Director may administratively update the Comprehensive Plan to reflect the specific location.

**FLOOR AREA INCENTIVE** - New Neighborhood Centers will typically range from 50,000 to 250,000 square feet of floor area per square mile of urban use. However, when neighborhood centers follow most, if not all, of the criteria listed below it would be appropriate to develop **two neighborhood centers** within a square mile of urban use, each center having a floor area up to approximately 200,000 square feet.

**INCENTIVE CRITERIA** - These criteria will serve as a guide to future actions until they are formalized and included in the zoning ordinance: The center shall be located in a neighborhood with greater residential density, than is typical for a suburban area, and the center itself contains higher density residential uses (density above fifteen dwelling units per acre) integrated within the development. This criteria is mandatory for any center proposing to utilize the incentive. Provide a significant mix of uses, including office, service, retail, residential and open space — far more than typical single use centers. Multi-story buildings are encouraged. Integrate some light industrial or manufacturing uses within the center (does not apply to neighborhood centers). Provide public amenities such as recreational facilities, significant open space, plazas, public squares and other types of public facilities or meeting areas. Are supported by a street

network with significant traffic capacity in the future, rather than on streets that already have significant commercial development. Provide for even greater pedestrian orientation in their layout, physical arrangement of buildings and parking-buildings shall be oriented to pedestrians. Provide for transit opportunities in the center design.

**UTILITIES:** A utility plan has not been submitted for review. However, utilities are generally available in the area and the site should be able to be served by water, sewer, cable T.V., gas, phone and electricity.

**TRAFFIC ANALYSIS:** South 84<sup>th</sup> Street is an improved four-lane arterial street, shown in the Comprehensive Plan as a six-lane facility. Adams Street is also designated as an arterial street, but is currently a two-lane paved asphalt street from approximately North 75<sup>th</sup> Street to North 84<sup>th</sup> Street. Improvements in Adams Street at the North 84<sup>th</sup> Street intersection are required by the annexation agreement for Prairie Village (the recently approved development east of North 84<sup>th</sup> Street) to accommodate that development. Beyond the intersection improvements, there are no funds in the current Capital Improvements Program (CIP) to improve Adams Street.

The proposed intersection at North 84<sup>th</sup> Street with Windmill Drive does not align with the intersection with North 84<sup>th</sup> Street on the east as approved with Prairie Village, and such an offset will not be approved by the Public Works Department. The site plan also shows a drive access midway between Adams Street and Windmill Drive which Public Works has noted must be removed.

A traffic study has been submitted, but has not yet been accepted by Public Works and Utilities. It is still under review and cannot be finalized until the access points are established. Public Works notes they object to the drive entrance to North 84<sup>th</sup> Street between Windmill and Adams, and that justification is required for the North 83<sup>rd</sup> Street/Adams Street intersection. Additional improvements in both Adams and North 84<sup>th</sup> Streets may be required by the traffic study to accommodate the 140,000 square feet of commercial floor area at this location.

**REGIONAL ISSUES:** The amount of commercial floor already approved along the North 84<sup>th</sup> Street corridor, and the lack of justification of need for more in this area.

**ENVIRONMENTAL CONCERNS:** Public Works and the residential neighbors to the south have noted drainage problems along South 84<sup>th</sup> Street near the south boundary of this site. Staff needs to review and approve a grading and drainage plan prior to final plat to ensure this development does not compound the problem.

**AESTHETIC CONSIDERATIONS:** Residents have become accustomed to the open space provided by the golf course, and the loss of the open space diminishes the aesthetic appeal of this major intersection.

**ALTERNATIVE USES:** The site could be developed entirely with residential uses, perhaps a mix that includes detached and attached single-family, and multiple-family dwellings.

**ANALYSIS:**

1. The land is zoned AG and is the site of the North Forty Golf Course. Special Permit #1306 was approved in 1988 allowing a recreation facility that includes a nine-hole golf course, and an 18-hole miniature course.
2. This request includes a change of zone from AG to R-3 Residential and B-2 Planned Unit Development (PUD). The entire site is 46.58 acres in area.
3. The site plan shows a commercial component with proposed B-2 zoning, and is approximately 22.25 acres in area. Approximately 140,000 square feet of commercial floor area is proposed, with a maximum P.M. peak hour vehicle trip generation cap of 1,366 trips.
4. The site plan shows a residential component with proposed R-3 zoning, and is approximately 24.33 acres in area. It includes 74 lots for single-family residences, and requests an adjustment to the rear yard setback to 15' for lots near the south boundary of the development.
5. The Comprehensive Plan designates this site for urban residential land uses.
6. In excess of 2.2 million square feet of commercial floor area have been approved along the North 84<sup>th</sup> Street corridor between O and Adams Streets, with the majority of it unbuilt. The Comprehensive Plan designates commercial land uses on both sides of North 84<sup>th</sup> Street from the south side of Holdrege Street to Adams Street, except for the area on the west side from just north of Leighton Avenue to Adams Street.
7. The Comprehensive Plan notes that neighborhood centers should be located approximately 3/4 to one mile apart, depending upon size, scale and function. This request is directly across the street from Prairie Village, approved for up to 285,000 square feet commercial floor area that could contain numerous neighborhood retail services. Additionally, there are approximately 300,000 square feet of commercial floor area approved northeast of the North 84<sup>th</sup> and Adams Street intersection.
8. The Northern Lights Commercial Center northwest of North 84<sup>th</sup> and Holdrege Streets is part of a community center, and will provide many neighborhood services for this square-mile section. The total amount of floor area approved by UP#116

and SP#04016 is in excess of 320,000 square feet, with much of it unbuilt. This is the location for a new HyVee grocery store.

9. Page F47 of the Comprehensive Plan states “When a square mile of urban use contains a Community or Regional Center, and that center includes many of the uses found in a neighborhood center, then a neighborhood center would not be approved within that square mile. This provision would not apply if the incentives listed below, including greater residential population, have been met.” This plan does not meet the criteria.
10. Relative to the incentive criteria mentioned in #7 above, staff finds that:
  - a. The center is not located in a neighborhood with greater residential density than is typical for a suburban area, and the center itself does not contain higher density residential uses (density above fifteen dwelling units per acre) integrated within the development. This criteria is mandatory for any center proposing to utilize the incentive. The development bounded by North 70<sup>th</sup> and 84<sup>th</sup> Streets, and Holdrege and Adams Streets is developed almost exclusively with single-family dwellings.
  - b. A specific list of uses is not provided, and no limitation upon uses is proposed. From the information provided, the proposed center does not provide a significant mix of uses, including office, service, retail, residential and open space - far more than typical single use centers, and does not provide multi-story buildings which are encouraged.
  - c. A specific site layout has not been submitted, and public amenities such as recreational facilities, significant open space, plazas, public squares and other types of public facilities or meeting areas are not shown.
  - d. Greater pedestrian orientation in layout, physical arrangement of buildings and parking, and buildings oriented to pedestrians has not been demonstrated.
  - e. Transit opportunities have not been incorporated into the center design based upon the information provided.
11. Public Works notes that due to the lack of information provided with the application, they do not recommend approval of the street and lot layout shown, and that there are several other outstanding concerns that need to be addressed. The review also notes:
  - a. Windmill Drive does not align with Windmill Drive east of North 84<sup>th</sup> Street.
  - b. The right-in/right-out drive between Adams Street and Windmill Drive must be eliminated.
  - c. The full-access intersection at North 83<sup>rd</sup> Street to Adams Street must be justified.

- d. The drainage study should analyze ongoing drainage issues along North 84<sup>th</sup> Street.
  - e. The traffic study submitted has not been accepted because it has not been fully reviewed and access points have not been set.
- 12. Other noted corrections:
  - a. Regent Drive must be extended to connect with Docs Drive.
  - b. Several errors with street names that must be corrected.
  - c. Additional LES easements are required.
  - d. Show the existing trail along North 84<sup>th</sup> Street and provide 9' separation between the curb and trail including turn lanes.
- 13. The provisions in Lincoln Municipal Code require the same information to be submitted for a PUD as for preliminary plat, even when the PUD is in lieu of the plat as is the case with this request. However, all required information was not submitted with this application. As a result, the applicant has added Note #33 to allow that information to be submitted at a later date subject to administrative approval by staff.
- 14. Drainage problems exist along North 84<sup>th</sup> Street south of this site. It is not clear what additional impact the proposed development may have because the drainage study has not been provided. This issue should be evaluated and satisfactorily resolved before this request is approved.
- 15. Staff recommends denial of this request, however recommended conditions of approval are included should the City Council vote to approve it.

**CONDITIONS OF APPROVAL:**

Site Specific:

- 1. This approval permits up to 74 dwelling units and 140,000 square feet of commercial floor area with an adjustment to the rear yard setback to 15' for Lots 14-19, Block 1 and Lots 1-7, Block 2.
- 2. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the City may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new

planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the planned unit development as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

General:

4. Before a final plat is approved:

4.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

4.1.1 A revised site plan including 5 copies showing the following revisions:

4.1.1.1 Revise Note #33 to state "Site layout is conceptual. All information for a preliminary plat may be required to be submitted, including street and lot layout, street centerline profiles, grading plan, drainage study, utility plan, and landscaping, to be approved by administrative amendment prior to final plat approval, and may result in modifications to the site layout. This includes the location and number of street intersections and driveway entrances onto North 84<sup>th</sup> Street and Adams Streets."

4.1.1.2 Revise Note #18 to state "This PUD includes a change of zone from AG to R-3 and B-2 PUD.



- 4.1.1.3      Revise Note #26 to state “Final lot layout and individual lot landscape plans for lots in the B-2 to be submitted at the time of building permits.
- 4.1.1.4      Revise Note #32 by deleting broadcast tower as a permitted use, and a sentence that states “Otherwise, uses in the R-3 area as allowed by LMC Title 27, and uses in the B-2 area as allowed by LMC Title 27.
- 4.1.1.5      Show Regent Drive extended to connect with Docs Drive.
- 4.1.1.6      Revise street names to the satisfaction of the City.
- 4.1.1.7      Show additional easements as required by LES..
- 4.1.1.8      Show the existing trail along North 84<sup>th</sup> Street and provide 9' separation between the curb and trail including turn lanes.
- 4.1.1.9      Show the distance from street centerline to property line along both South 84<sup>th</sup> and Adams Streets.
- 4.1.1.10     Other corrections/revisions to the satisfaction of Public Works and Utilities.
- 4.1.2      Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
- 4.2      The construction plans comply with the approved plans.
- 4.3      Final plat(s) is/are approved by the City.

Standard Conditions:

- 5.      The following conditions are applicable to all requests:
  - 5.1      Before occupying the dwelling units and commercial buildings all development and construction is to comply with the approved plans.

- 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 5.3 The site plan accompanying this plan unit development shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 5.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the change of zone, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the ordinance approving the change of zone and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
6. All special permits previously approved are hereby rescinded with this ordinance at the time of final plat, except Special Permit #1672 which shall remain in effect.

Prepared by:

\_\_\_\_\_  
Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Project Manager  
September 28, 2006

**APPLICANT/**

**OWNER:** North 47 Group, LLC  
1201 N Street Ste 102  
Lincoln, NE 68508  
402.435.0000

**CONTACT:** Tim Gergen  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
402.458-5914



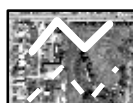
2005 aerial

## Change of Zone #06063 N 84th & Adams St

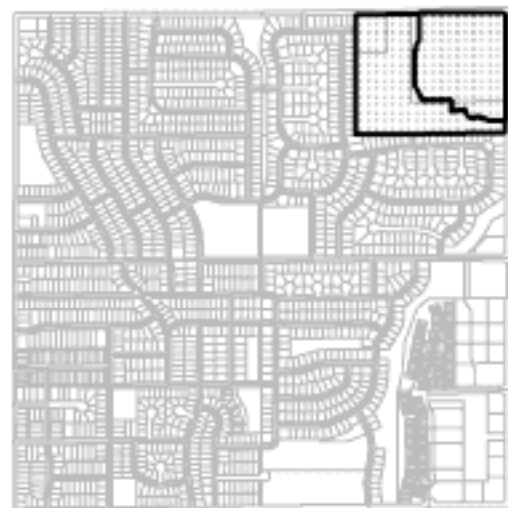
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 15 T10N R07E



Zoning Jurisdiction Lines  
City Limit Jurisdiction



Adams St

Holdrege St

N 70th St

N 84th St







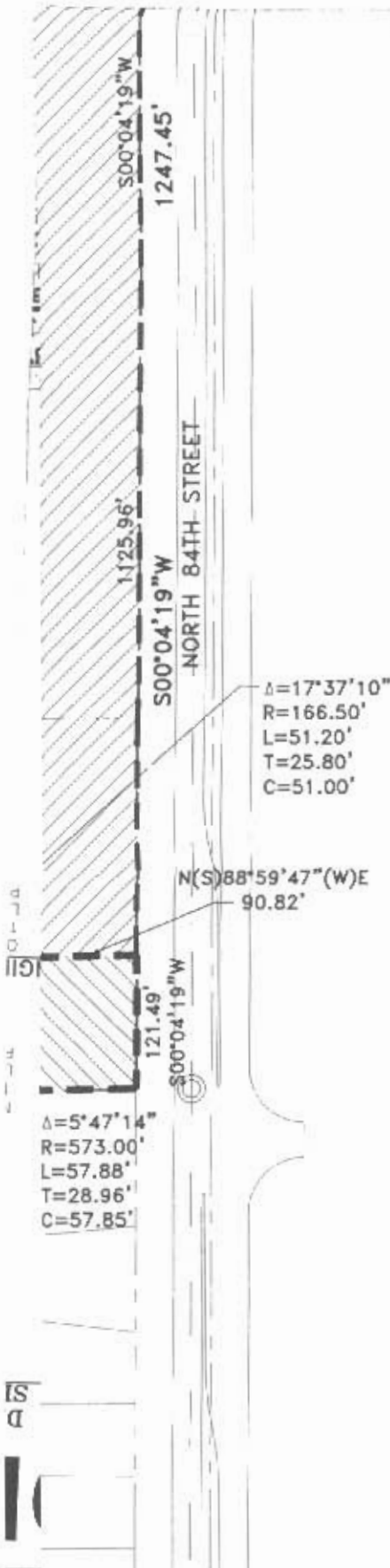
LINE OF SAID LOT 2, A DISTANCE OF 329.73 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 00 DEGREES 07 MINUTES 57 SECONDS EAST ALONG A WEST LINE OF SAID LOT 2, AND SAID LOT 1, A DISTANCE OF 1,272.59 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 1,059,754.14 SQUARE FEET OR 24.33 ACRES, MORE OR LESS.

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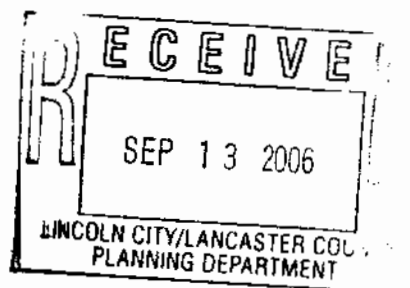
### GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 6" PIPE RESPECTIVELY AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS, UNLESS OTHERWISE SHOWN.
2. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
4. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
5. ALL INTERSECTION ANGLES SHALL BE 90° ±10' UNLESS OTHERWISE NOTED.
6. DIRECT VEHICULAR ACCESS TO ADAMS STREET AND N. 84TH STREET IS RELINQUISHED EXCEPT AS SHOWN.
7. ALL ELEVATIONS ARE BASED ON NAVD 1988.
8. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF STREETS.
9. ALL SIDEWALKS SHALL BE 4' WIDE MINIMUM AND ALL SIDEWALK EASEMENTS SHALL BE 10' WIDE. (UNLESS OTHERWISE NOTED)
10. ORNAMENTAL LIGHTING ALONG ALL PUBLIC STREETS SHALL BE IN ACCORDANCE WITH L.E.S. REGULATIONS.
11. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETE.
12. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
13. CENTER ISLANDS IN CUL-DE-SAC'S AND ROUNDABOUTS SHALL BE LANDSCAPED.
14. AN OWNER'S ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE PRIVATE ROADWAYS, MEDIANS AND ROUNDABOUTS.
15. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY ABUT A PUBLIC ACCESS EASEMENT.
16. THE SEPTIC SYSTEMS WILL BE ABANDONED TO THE SATISFACTION OF THE HEALTH DEPARTMENT.
17. OUTLOT AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
18. THE PROPOSED P.U.D. IS CURRENTLY ZONED AG. A CHANGE OF ZONE TO R-3 AND B-2 P.U.D. HAS BEEN SUBMITTED.
19. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
20. EXISTING AND PROPOSED EASEMENTS TO BE IDENTIFIED AND SHOWN AT TIME OF FINAL PLATTING.
21. EXACT LOCATIONS OF WATER, SEWER, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
22. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCRDACHING INTO THE SETBACKS.
23. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS)
24. A COMMON ACCESS EASEMENT WILL BE PROVIDED OVER ALL DRIVES AND PARKING STALLS, AS SUCH DRIVES AND PARKING STALLS MAY EXIST IN THE COMMERCIAL AREAS.
25. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PLAN. THEY WILL BE DESIGNED IN ACCORDANCE WITH THE CITY OF LINCOLN STANDARDS.
26. FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR COMMERCIAL BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT
27. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF PREMISES IS PERMITTED IN THE B-2 ZONING PROVIDED IT MEETS THE REQUIREMENTS OF 27.31.040.
28. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 1000 SQUARE FEET OR SMALLER AND ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.
29. AT TIME OF FINAL DESIGN AND FINAL PLATTING THE ROUNDABOUT WILL BE DESIGNED TO ACCOMMODATE A WB-50 VEHICLE AS PER DESIGN STANDARDS. ADDITIONAL RIGHT-OF-WAY MAY BE REQUIRED IF A LARGER RADII IS NEEDED FOR THESE VEHICLES.
30. LAND USE NODES IN THE B-2 ZONE DESIGNATING COMMERCIAL FLOOR AREA SHALL NOT EXCEED A TOTAL OF 139,100 SQUARE FEET OVERALL. THE USES TO BE DESIGNATED WITHIN THE TOTAL SQUARE FOOTAGE APPROVED SHALL NOT EXCEED THE GENERATION OF A MAXIMUM OF 1,366 TRIPS DURING THE P.M. PEAK PERIODS.
31. STREET TREES TO BE REVIEWED AT TIME OF FINAL PLAT AND ASSIGNED BY PARKS AND RECREATION.
32. THE FOLLOWING PERMITTED SPECIAL USES SHALL BE A PERMITTED USE AND WILL NOT REQUIRE A SPECIAL PERMIT:
  - a. HEALTH CARE FACILITIES
  - b. RECREATIONAL FACILITIES
  - c. BROADCAST TOWER
33. STREET CENTERLINE PROFILES, GRADING, DRAINAGE STUDY, PROPOSED LANDSCAPE, AND PROPOSED UTILITIES SHALL BE APPROVED ADMINISTRATIVELY PRIOR TO FINAL PLAT APPROVAL.



September 13, 2006

Mr. Marvin Krout  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508



RE: North Forty Plaza P.U.D.  
OA Project No. 2006-0759

Dear Mr. Krout:

On behalf of the Owner/Developer, North 47 Group, L.L.C., 1201 N Street, Suite 102, Lincoln, NE 68508, we are requesting a change of zone from AG to R-3 and B-2 P.U.D. The property shown on the enclosed site plan is located in the northeast quarter of Section 15, Township 10 North, Range 7 East, City of Lincoln, Lancaster County, Nebraska (approximately 46.6 acres). The P.U.D. consists of 74 residential lots located in the proposed R-3 PUD Zone and commercial lots located in the proposed B-2 PUD Zone. We expect to be scheduled on the Planning Commission Agenda for the 12<sup>th</sup> of October.

We met with the neighbors on numerous occasions, and have met with staff on another occasion to discuss the proposed site plan and gain preliminary comments. We have been able to address most of the concerns voiced at the meetings in our submission.

Enclosed please find the following for the above-mentioned project:


1. Application for a change of zone
2. Application fee (\$2,350)
3. Cover Sheet – 21 copies
4. Cover Sheet (8 ½ " x 11") – 1 copy
5. Site Plan – 21 copies
6. Site Plan (8 ½ " x 11") – 1 copy
7. Traffic study – 3 copies
8. Soils Report – 1 copy
9. Ownership Certificate – 1 copy
10. P.U.D. Legal Description

We are requesting the following waivers:

1. Reduce rear yard setback to 15' for lots 14-19, block 1, and lots 1-7, block 2 to accommodate the neighbors request to save the existing trees along the adjoining property line and allow these trees to be located in an outlot. Since this outlot will be 60' in width a reduced rear yard setback is justified.
2. Waive the preliminary plat process

Please contact us if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Gergen', with a horizontal line above it.

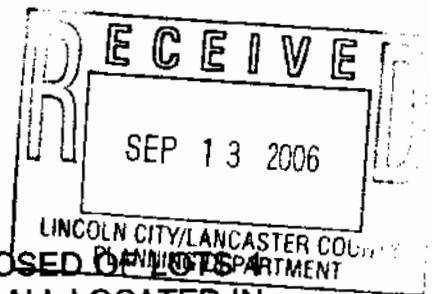
Tim Gergen, PE

Enclosures

cc: Bennie McCombs  
Peter Katt



**LEGAL DESCRIPTION  
P.U.D.**



A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 1 AND 2 NORTH FORTY GOLF ADDITION, AND LOT 84 I.T., ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, SAID POINT ALSO BEING ON THE SOUTH LINE OF ADAMS STREET RIGHT-OF-WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY ON AN ASSUMED BEARING OF NORTH 88 DEGREES 59 MINUTES 56 SECONDS EAST, A DISTANCE OF 328.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING A NORTHWEST CORNER OF SAID LOT 2, THENCE NORTH 88 DEGREES 59 MINUTES 51 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 2, AND A NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,014.59 FEET TO A NORTH CORNER OF SAID LOT 84 I.T., THENCE SOUTH 85 DEGREES 16 MINUTES 56 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.33 FEET TO A NORTH CORNER OF SAID LOT 84 I.T., SAID POINT BEING 60.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, THENCE NORTH 88 DEGREES 59 MINUTES 51 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 130.02 FEET TO A NORTHEAST CORNER OF SAID LOT 84 I.T., THENCE SOUTH 45 DEGREES 27 MINUTES 57 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 28.02 FEET TO A NORTHEAST CORNER OF SAID LOT 84 I.T., SAID POINT BEING 60.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER, SAID POINT ALSO BEING ON THE WEST LINE OF NORTH 84<sup>TH</sup> STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 04 MINUTES 19 SECONDS WEST ALONG A EAST LINE OF SAID LOT 84 I.T., AND A EAST LINE OF SAID LOT 2, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,247.45 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, THENCE SOUTH 89 DEGREES 10 MINUTES 29 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 1,264.37 FEET TO A SOUTH CORNER OF SAID LOT 2, THENCE SOUTH 89 DEGREES 10 MINUTES 10

SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 329.73 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 00 DEGREES 07 MINUTES 57 SECONDS EAST ALONG A WEST LINE OF SAID LOT 2, AND A WEST LINE OF SAID LOT 1, A DISTANCE OF 1,272.59 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 2,029,152.13 SQUARE FEET OR 46.58 ACRES, MORE OR LESS.

Thursday, September 07, 2006

F:\Projects\20060759\LinSurvey\plat\dwg\060759\_PUD LEGAL.doc

# RTY PLAZA

DEVELOPMENT  
SET

## R-3 LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 1, NORTH FORTY GOLF ADDITION, A PORTION OF LOT 2, NORTH FORTY GOLF ADDITION, AND A PORTION OF LOT 84 I.T., ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

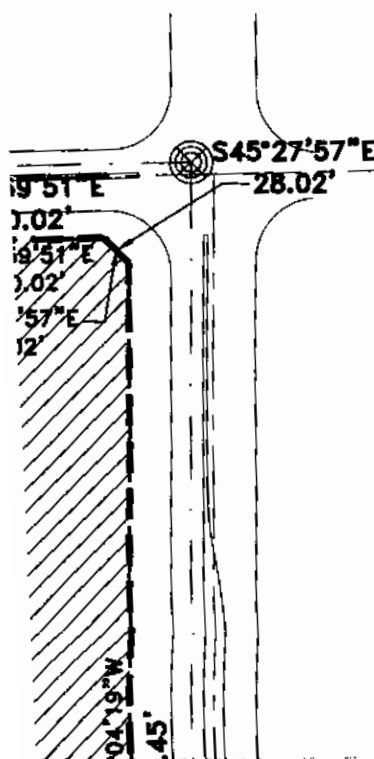
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTH EAST QUARTER, AND ON THE SOUTH LINE OF ADAMS STREET RIGHT-OF-WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY ON AN ASSUMED BEARING OF NORTH 88 DEGREES 59 MINUTES 56 SECONDS EAST, A DISTANCE OF 328.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, THENCE NORTH 88 DEGREES 59 MINUTES 51 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 2 AND A NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 348.34 FEET TO A POINT, THENCE SOUTH 00 DEGREES 00 MINUTES 11 SECONDS WEST, A DISTANCE OF 296.12 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 77 DEGREES 26 MINUTES 20 SECONDS, A RADIUS OF 76.95 FEET, AN ARC LENGTH OF 104.00 FEET, A TANGENT LENGTH OF 61.69 FEET, A CHORD LENGTH OF 96.27 FEET, AND A CHORD BEARING OF SOUTH 15 DEGREES 42 MINUTES 51 SECONDS WEST TO A POINT, THENCE SOUTH 89 DEGREES 56 MINUTES 24 SECONDS WEST, A DISTANCE OF 23.71 FEET TO A POINT, THENCE SOUTH 00 DEGREES 03 MINUTES 36 SECONDS EAST, A DISTANCE OF 330.60 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 31 DEGREES 41 MINUTES 50 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 82.98 FEET, A TANGENT LENGTH OF 42.58 FEET, A CHORD LENGTH OF 81.93 FEET, AND A CHORD BEARING OF SOUTH 15 DEGREES 54 MINUTES 31 SECONDS EAST TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 11 DEGREES 26 MINUTES 58 SECONDS, A RADIUS OF 675.00 FEET, AN ARC LENGTH OF 134.88 FEET, A TANGENT LENGTH OF 67.67 FEET, A CHORD LENGTH OF 134.66 FEET, AND A CHORD BEARING OF SOUTH 26 DEGREES 01 MINUTES 58 SECONDS EAST TO A POINT, THENCE NORTH 89 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 309.41 FEET TO A POINT, THENCE SOUTH 00 DEGREES 47 MINUTES 15 SECONDS EAST, A DISTANCE OF 120.00 FEET TO A POINT, THENCE NORTH 89 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 42.67 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 12 DEGREES 40 MINUTES 04 SECONDS, A RADIUS OF 495.00 FEET, AN ARC LENGTH OF 109.44 FEET, A TANGENT LENGTH OF 54.94 FEET, A CHORD LENGTH OF 109.22 FEET, AND A CHORD BEARING OF NORTH 82 DEGREES 52 MINUTES 43 SECONDS EAST TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 135 DEGREES 56 MINUTES 55 SECONDS, A RADIUS OF 76.87 FEET, AN ARC LENGTH OF 182.39 FEET, A TANGENT LENGTH OF 190.01 FEET, A CHORD LENGTH OF 142.52 FEET, AND A CHORD BEARING OF SOUTH 58 DEGREES 22 MINUTES 57 SECONDS EAST TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 07 DEGREES 30 MINUTES 18 SECONDS, A RADIUS OF 560.00 FEET, AN ARC LENGTH OF 73.35 FEET, A TANGENT LENGTH OF 36.73 FEET, A CHORD LENGTH OF 73.30 FEET, AND A CHORD BEARING OF SOUTH 73 DEGREES 07 MINUTES 03 SECONDS EAST TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 09 DEGREES 16 MINUTES 24 SECONDS, A RADIUS OF 133.50 FEET, AN ARC LENGTH OF 21.61 FEET, A TANGENT LENGTH OF 10.83 FEET, A CHORD LENGTH OF 21.58 FEET, AND A CHORD BEARING OF SOUTH 72 DEGREES 14 MINUTES 00 SECONDS EAST TO A POINT, THENCE SOUTH 67 DEGREES 35 MINUTES 48 SECONDS EAST, A DISTANCE OF 11.10 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 17 DEGREES 37 MINUTES 10 SECONDS, A RADIUS OF 166.50 FEET, AN ARC LENGTH OF 51.20 FEET, A TANGENT LENGTH OF 25.80 FEET, A CHORD LENGTH OF 51.00 FEET, AND A CHORD BEARING OF SOUTH 76 DEGREES 24 MINUTES 24 SECONDS EAST TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 05 DEGREES 47 MINUTES 14 SECONDS, A RADIUS OF 573.00 FEET, AN ARC LENGTH OF 57.88 FEET, A TANGENT LENGTH OF 28.96 FEET, A CHORD LENGTH OF 57.85 FEET, AND A CHORD BEARING OF SOUTH 88 DEGREES 06 MINUTES 36 SECONDS EAST TO A POINT, THENCE NORTH 88 DEGREES 59 MINUTES 47 SECONDS EAST, A DISTANCE OF 90.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 2, SAID POINT BEING ON THE WEST LINE OF NORTH 84TH STREET RIGHT-OF-WAY, SAID POINT BEING 50.00 FEET WEST OF THE EAST LINE OF SAID NORTH EAST QUARTER, THENCE SOUTH 00 DEGREES 04 MINUTES 19 SECONDS WEST ALONG A EAST LINE OF SAID LOT 2, SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTH EAST QUARTER, A DISTANCE OF 121.49 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, THENCE SOUTH 89 DEGREES 10 MINUTES 29 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 1,264.37 FEET TO A POINT, THENCE SOUTH 89 DEGREES 10 MINUTES 10 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 329.73 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 00 DEGREES 07 MINUTES 57 SECONDS EAST ALONG A WEST LINE OF SAID LOT 2, AND SAID LOT 1, A DISTANCE OF 1,272.59 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 1,059,754.14 SQUARE FEET OR 24.33 ACRES, MORE OR LESS.

### DEVELOPER

NORTH 47 GROUP, LLC  
201 N STREET, SUITE 102  
LINCOLN, NE 68508  
PHONE: 435-0000

### NEER & PREPARER

LESSON ASSOCIATES  
111 LINCOLN MALL  
LINCOLN, NE 68501  
PHONE: 474-6311



NOSS 10 VO



## B-2 LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 2, NORTH FORTY GOLF ADDITION, AND A PORTION OF LOT 84 I.T., ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 NORTH FORTY GOLF ADDITION, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, AND ON THE SOUTH LINE OF ADAMS STREET RIGHT-OF-WAY, THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY ON AN ASSUMED BEARING OF NORTH 88 DEGREES 59 MINUTES 56 SECONDS EAST, A DISTANCE OF 328.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 2, THENCE NORTH 88 DEGREES 59 MINUTES 51 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 2, AND A NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 348.34 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG THE NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 666.25 FEET TO A NORTH CORNER OF SAID LOT 84 I.T., THENCE SOUTH 85 DEGREES 16 MINUTES 56 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.33 FEET TO A NORTH CORNER OF SAID LOT 84 I.T., SAID POINT BEING 60.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, THENCE NORTH 88 DEGREES 59 MINUTES 51 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 130.02 FEET TO A NORTHEAST CORNER OF SAID LOT 84 I.T., THENCE SOUTH 45 DEGREES 27 MINUTES 57 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 84 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 28.02 FEET TO A NORTHEAST CORNER OF SAID LOT 84 I.T., SAID POINT BEING 50.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER, SAID POINT BEING ON THE WEST LINE OF NORTH 84TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 04 MINUTES 19 SECONDS WEST ALONG A EAST LINE OF SAID LOT 84 I.T., AND A EAST LINE OF SAID LOT 2, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,125.96 FEET TO A POINT, THENCE SOUTH 88 DEGREES 59 MINUTES 47 SECONDS WEST, A DISTANCE OF 90.82 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 05 DEGREES 47 MINUTES 14 SECONDS, A RADIUS OF 573.00 FEET, AN ARC LENGTH OF 57.88 FEET, A TANGENT LENGTH OF 28.96 FEET, A CHORD LENGTH OF 57.85 FEET, AND A CHORD BEARING OF NORTH 88 DEGREES 06 MINUTES 36 SECONDS WEST TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 17 DEGREES 37 MINUTES 10 SECONDS, A RADIUS OF 168.50 FEET, AN ARC LENGTH OF 51.20 FEET, A TANGENT LENGTH OF 25.80 FEET, A CHORD LENGTH OF 51.00 FEET, AND A CHORD BEARING OF NORTH 76 DEGREES 24 MINUTES 24 SECONDS WEST TO A POINT, THENCE NORTH 67 DEGREES 35 MINUTES 49 SECONDS WEST A DISTANCE OF 11.10 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 09 DEGREES 16 MINUTES 24 SECONDS, A RADIUS OF 133.50 FEET, AN ARC LENGTH OF 21.61 FEET, A TANGENT LENGTH OF 10.83 FEET, A CHORD LENGTH OF 21.58 FEET, AND A CHORD BEARING OF NORTH 72 DEGREES 14 MINUTES 01 SECONDS WEST TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 07 DEGREES 30 MINUTES 18 SECONDS, A RADIUS OF 560.00 FEET, AN ARC LENGTH OF 73.35 FEET, A TANGENT LENGTH OF 36.73 FEET, A CHORD LENGTH OF 73.30 FEET, AND A CHORD BEARING OF NORTH 73 DEGREES 07 MINUTES 04 SECONDS WEST TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 135 DEGREES 58 MINUTES 55 SECONDS, A RADIUS OF 76.87 FEET, AN ARC LENGTH OF 182.39 FEET, A TANGENT LENGTH OF 190.01 FEET, A CHORD LENGTH OF 142.52 FEET, AND A CHORD BEARING OF NORTH 58 DEGREES 22 MINUTES 58 SECONDS WEST TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 12 DEGREES 40 MINUTES 04 SECONDS, A RADIUS OF 495.00 FEET, AN ARC LENGTH OF 109.44 FEET, A TANGENT LENGTH OF 54.94 FEET, A CHORD LENGTH OF 109.22 FEET, AND A CHORD BEARING OF SOUTH 82 DEGREES 52 MINUTES 43 SECONDS WEST TO A POINT, THENCE SOUTH 89 DEGREES 12 MINUTES 45 SECONDS WEST A DISTANCE OF 42.67 FEET TO A POINT, THENCE NORTH 00 DEGREES 47 MINUTES 15 SECONDS WEST A DISTANCE OF 120.00 FEET TO A POINT, THENCE SOUTH 89 DEGREES 12 MINUTES 45 SECONDS WEST, A DISTANCE OF 309.41 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 11 DEGREES 26 MINUTES 58 SECONDS, A RADIUS OF 675.00 FEET, AN ARC LENGTH OF 134.88 FEET, A TANGENT LENGTH OF 67.67 FEET, A CHORD LENGTH OF 134.66 FEET, AND A CHORD BEARING OF NORTH 26 DEGREES 01 MINUTES 58 SECONDS WEST TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 31 DEGREES 41 MINUTES 50 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 82.98 FEET, A TANGENT LENGTH OF 42.58 FEET, A CHORD LENGTH OF 81.93 FEET, AND A CHORD BEARING OF NORTH 15 DEGREES 54 MINUTES 31 SECONDS WEST TO A POINT, THENCE NORTH 00 DEGREES 03 MINUTES 36 SECONDS WEST A DISTANCE OF 330.80 FEET TO A POINT, THENCE NORTH 89 DEGREES 56 MINUTES 24 SECONDS EAST A DISTANCE OF 23.71 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 77 DEGREES 26 MINUTES 20 SECONDS, A RADIUS OF 78.95 FEET, AN ARC LENGTH OF 104.00 FEET, A TANGENT LENGTH OF 61.69 FEET, A CHORD LENGTH OF 96.27 FEET, AND A CHORD BEARING OF NORTH 15 DEGREES 42 MINUTES 51 SECONDS EAST TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 11 SECONDS EAST A DISTANCE OF 296.12 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 969,398.00 SQUARE FEET OR 22.25 ACRES, MORE OR LESS.

**Review Comments for  
Application #: GZ06063**

**NORTH 40 PLAZA**

*Comments as of Thursday, September 28, 2006*

Status of Review: **Active**

Reviewed By ANY

Comments:

Status of Review: **Denied**

09/19/2006 1:02:28 PM

Reviewed By 911 ANY

Comments: The east-west portion of the proposed Docs Dr alligns with and should be named WindMill Dr.

Status of Review: **Active**

Reviewed By Alltel ANY

Comments:

Status of Review: **Approved**

09/15/2006 10:46:49 AM

Reviewed By Building & Safety BOB FIEDLER

Comments: approved

Status of Review: **Denied**

09/18/2006 9:59:13 AM

Reviewed By Building & Safety Terry Kathe

Comments: Show Regent Drive extending to cul-de-sac intersection on the north end of Docs Drive.

Change that portion of Docs Drive, from west cul-de-sac to roundabout, to Windmill Drive.

Status of Review: **Complete**

09/19/2006 4:07:53 PM

Reviewed By Fire Department ANY

Comments: We have no objection to the zone change. A consistent issue is the lack of Fire facilities in the area that does not allow us to provide the emergency service that our citizens have grown accustomed to.

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION

TO: Brian Williams DATE: September 22, 2006

DEPARTMENT: Planning FROM: Chris Schroeder

TO: Brian Williams

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: North Forty Plaza

EH Administration CZ #06063

FILE

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

The LLCHD notes that dry cleaning establishments are a permitted use within the B-2 zoning district. Due to the type of chemical that most dry cleaners use in large quantities, the LLCHD advocates for locating these establishments at least 300 feet from residential structures.

The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning. Note: automobile wash facilities are a permitted conditional use in the B-2 zoning district.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Storm water structure(s) and drainage way(s) must be designed, constructed, and maintained to minimize the harborage and breeding of mosquitos.

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Status of Review: **Active**

Reviewed By **Law Department**

**ANY**

Comments:

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Status of Review: **Complete**

**09/26/2006 8:58:11 AM**

Reviewed By **Lincoln Electric System**

**JULIE WISMER**

Comments: **September 25, 2006**

**TO: Brian Will, City Planning**

**FROM: Sharon Theobald (Ext. 7640)**

**SUBJECT: DEDICATED EASEMENTS CZ#06063  
DN #28N-83E**

**Attached is the P.U.D. for North Forty Plaza.**

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

**Windstream Nebraska, Inc., Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over the Outlots and blanket utility easements, excluding building envelopes over the section identified as "Building Envelope".**

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Status of Review: **Complete**

**09/28/2006 3:03:26 PM**

Reviewed By **Lincoln Police Department**

**NCSBJW**

Comments: **Mr. Will,**

**The Lincoln Police Department does not object to the North Forty Plaza Change of Zone (PUD) #CZ06063.**

**Sergeant Don Scheinost, #798  
Lincoln Police Department  
Management Services  
(402) 441-7215**

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Status of Review: **Active**

Reviewed By **Nebraska Department of Roads**

**ANY**

Comments:

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Status of Review: **Denied**

09/20/2006 10:30:15 AM

Reviewed By **Parks & Recreation**

**ANY**

- Comments:
1. All outlot areas shall be the responsibility of the developer and/or future homeowners association.
  2. Maintenance of all medians, traffic circles, roundabouts and islands is the responsibility of the developer and/or future homeowners association.
  3. A 9' separation is required between the curb of the street and the edge of the trail. Due to the proposed turn lane, the trail needs to be shifted into the area identified as greenspace. The new trail shall be 5" thick and 8" thick at the locations where the road crosses over the trail.
  4. The heavily treed area on the south end of the property shall be the developer and/or future homeowners maintenance responsibility.

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Status of Review: **Routed**

Reviewed By **Planning Department**

**COUNTER**

Comments:

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Status of Review: **Active**

Reviewed By **Planning Department**

**RAY HILL**

Comments:

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Status of Review: **Active**

Reviewed By **Planning Department**

**BRIAN WILL**

Comments:

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Comments: Memorandum...

To: Brian Will, Planning Department  
From: Dennis Bartels, Engineering Services  
Subject: North 40 Plaza PUD  
Date: September 27, 2006  
cc: Randy Hoskins  
Roger Figard

Development Services has reviewed the PUD for North 40 Plaza at the southwest corner of 84th and Adams and has the following comments:

1. The application is lacking the required information for a full review of the application. The plans show commercial and residential lots but does not include sewer, water, storm sewer, grading, detention, street grades, etc. Any approval thereof of this change of zone request to a PUD is only for general land use. Development Services is not reviewing and therefore not approving any portion of the lot and street system shown. This review cannot be finalized until all the information is submitted and is satisfactory.

2. Engineering Services has a number of concerns that will need to be addressed with the preliminary plan information.

a. Windmill Drive does not align with the existing Windmill Drive on the east side of 84th and shown with approved preliminary plat on the east side. When 84th Street was paved a median opening and paving was constructed to provide access to the area of this PUD. The owner of the North 40 petitioned away the right to this access with a street vacation petition. This office is researching whether control of access was acquired with the widening of 84th Street. The original median opening was immediately south of the 1/4 mile point at the appropriate location per design standards for a median opening. Engineering Services objects to the reopening and moving the opening closer to Adams Street. If it is approved despite our objections, it needs to be recognized that the spacing between the new Windmill Drive and Adams will likely create signal timing and phasing problems along 84th Street creating more congestion and hastening the need for a six lane 84th Street as identified in the Comprehensive Plan.

b. The right-in right-out driveway shown between Windmill and Adams must be eliminated.

c. More justification must be given for the Adams Street full access intersection at 83rd Street. This intersection also does not meet the desired 1/4 mile spacing from 84th. The traffic study identifies a potential signal at this street and as noted for 84th, the substandard spacing increases potential congestion and hastens the need for street widening.

d. There has been an ongoing drainage problem along the west side of 84th Street south from this PUD to the culvert crossing of 84th near Leighton. The drainage study should analyze the drainage along 84th Street to the box culvert.

3. A traffic study has been submitted and is under review. Upon acceptance of this study, agreement will need to be reached concerning improvements to 84th and Adams prior to development of this property.  
North 40 Plaza PUD tdq.wpd

Status of Review: **Active**

Reviewed By **Public Works - Long Range Planning**

**ANY**

Comments:

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Status of Review: **Active**

Reviewed By **School District**

**ANY**

Comments:

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Status of Review: **Active**

Reviewed By **US Post Office**

**ANY**

Comments:

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INTER-DEPARTMENT COMMUNICATION



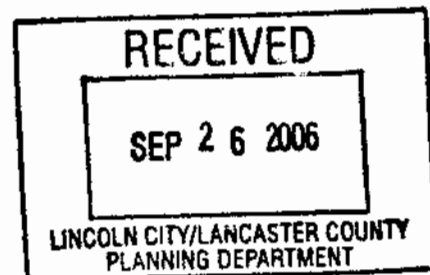
**DATE** September 25, 2006  
**TO:** Brian Will, City Planning  
**FROM:** Sharon Theobald (Ext. 7640) *st*  
**SUBJECT:** DEDICATED EASEMENTS  
DN #28N-83E

CZ#06063

Attached is the P.U.D. for North Forty Plaza.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

Windstream Nebraska, Inc., Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over the Outlots and blanket utility easements, excluding building envelopes, over the section identified as "Building Envelope".



ST/ss  
Attachment  
c: Terry Wiebke  
Easement File